

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

SETH SHAW,

Petitioner,

VS.

ROI LAND INVESTMENT LTD.,

Respondent.

2:17-cv-01165-JAD-VCF

ORDER

MOTION TO COMPEL [ECF No. 12]

Before the Court is Petitioner Seth Shaw's Motion to Compel and Request for Attorney's Fees. (ECF No. 12). For the reasons discussed below, Shaw's motion is granted.

Shaw filed a motion to compel on February 16, 2018. (*Id.*). Shaw asserts that Respondent ROI Land Investment (“ROI”) failed to respond to discovery requests that will assist Shaw in executing a judgment Shaw has against ROI. (*Id.* at 6-7). Shaw asks the Court to award attorney’s fees associated with bringing the motion. (*Id.* at 7). ROI was given until July 6, 2018 to file a response to the motion (ECF No. 16), but has failed to do so.

“In aid of the judgment or execution, the judgment creditor...may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(2). A party may move to compel production of documents under Federal Rule of Civil Procedure 37. Shaw has demonstrated that the discovery he requested will aid in executing a judgment. ROI has failed to give any reason for failing to respond to Shaw’s discovery requests. In addition, under LR 7-2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion... constitutes a consent to the granting of the motion.” Therefore, Shaw’s motion to compel is hereby granted.

Under Federal Rule of Civil Procedure 37(a)(5)(A), if a motion to compel is granted, “the court must, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees.” Shaw has demonstrated that he incurred \$600 in attorney's fees by filing the motion to compel. (ECF No. 12 at 7). ROI failed to respond to Shaw's request for fees. Therefore, Shaw's request for fees is hereby granted.

7 Accordingly, and for good cause shown,

8 IT IS HEREBY ORDERED that Shaw's Motion to Compel and Request for Attorney's Fees (ECF
9 No. 12) is GRANTED.

IT IS FURTHER ORDERED that ROI has until January 4, 2019 to respond to Shaw's discovery request.

IT IS FURTHER ORDERED that ROI has until February 4, 2019 to pay Shaw \$600 for the attorney's fees incurred in bringing the motion to compel.

14 || DATED this 27th day of November, 2018.

CAM FERENBACH